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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,690	08/31/2000	Jeffrey L. Huckins	INTL-0454-US(P9662)	3146

7590 02/12/2004
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EXAMINER

SALAD, ABDULLAHI ELM I

ART UNIT	PAPER NUMBER
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2157

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DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,690

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The Amendment filed on 11/17/2003 has been entered and made of record.
2. Applicant's arguments filled on 11/17/2003 with respect claims 1-30 have been fully considered but they are not persuasive for the following reasons:

Specification objected

3. The disclosure is objected to because brief summary of the invention is missing. Correction is required. See MPEP § 608.01(b).

Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Claim Rejections - 35 USC 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2, 12, 24, 27, 30 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as

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to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The subject matter defining a messaging service type and messaging identification to dynamically control storage for groups of clients or individual client was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Furthermore, examiner interprets the subject matter defined above as enabling a group of clients or individual clients to a predetermined broadcast criteria or message type (see Dan et al., col. 1, lines 50-67).

As per applicant's argument: the management of client storage by the client based on information included in the message is not accomplished by the Ito reference. Examiner respectfully disagrees, because Itoh discloses a network resource management system for controlling the management data storage unit 16 (see fig. 2, and col. 4, line 66 to col. 5, line 27 and see col. 7, lines 26 to col. 8, line 14)).

Claim Rejections - 35 USC 102

6. The following is a quotation of the 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless--
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 8-11, and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Itoh et al., U.S. Patent No. 6,330,611.

As per claim 1, 11, and 21, Itoh et al., disclose system comprising:

- receiving on a first client a message (command) from a server addressed to said client (col. 7, lines 26 to col. 8, line 14); and
- controlling management of data storage by said client based on information included in said message (see fig. 2, col. 4, line 66 to col. 5, line 27 and col. 7, lines 26 to col. 8, line 14).

In considering claims 9 and 10, Itoh et al., discloses a system including receiving a message including an identifier which specifies a task to perform on a storage device (see col. 7, lines 26 to col. 8, line 14).

In considering claims 19 and 20, Itoh et al., discloses a system including receiving a message including an identifier which specifies a task to perform on a storage device (see col. 7, lines 26 to col. 8, line 14).

In considering claims 25 and 26, Itoh et al., discloses a system including receiving a message including an identifier which specifies a task to perform on a storage device (see col. 7, lines 26 to col. 8, line 14).

In considering claims 28 and 29, Itoh et al., discloses a system including receiving a message including an identifier which specifies a task to perform on a storage device (see col. 7, lines 26 to col. 8, line 14).

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Claim Rejections - 35 USC ' 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-7, 12-17, and 22-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al., U.S. Patent No. 6,330,611, as applied to claims 1, 11, and 21, above, and further in view of Dan et al., U.S. Patent No. 5,561,637.

In considering claims 2, and 12, Although, Itoh et al., disclose substantial features of the claimed invention including receiving on a first client a message (command) from a server addressed to said client and controlling the storage of information on said client based on information included in said message (see col. 7, lines 26 to col. 8, line 14).

Itoh et al., is silent regarding:

defining a messaging service type and messaging identification to dynamically control storage for groups of clients or individual client (determining if group or clients or individual clients are configured or enabled to predetermined broadcast criteria (e.g., multicast messaging group));

assigning an individual identifier to the clients comprising a set of clients including said first client;

assigning a group identifier to a subset of the clients within the set of clients; and

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enabling the first client in said set to determine whether a message is sent to the first client or to the subset.

Dan et al., discloses a distributed messaging system among group of clients including the steps of:

defining a messaging service type and messaging identification to dynamically control storage for groups of clients or individual client determining if group or clients or individual clients are configured or enabled to predetermined broadcast criteria (e.g., multicast messaging group) (see col. 1, lines 50-67);

assigning an individual identifier to the clients comprising a set of clients including said first client (leader)(see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6);

assigning a group identifier to a subset of the clients within the set of clients (see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6);and

enabling the first client in said set to determine whether a message is sent to the first client or to the subset (see the abstract and col. col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6). Therefore, it would have been obvious to one having ordinary skill in the art at time of the invention presented with teaching of Itoh et al., to utilize the distributed messaging system as taught by Dan et al., such that Itoh's clients can be efficiently managed.

In considering claims 3 and 13, Dan et al., disclose a system further including sending a

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single message to a subset of said clients (see the abstract and col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6).

In considering claims 4, and 14, Dan et al., disclose a system including sending television content to a plurality of clients (see fig. 1, element 130).

In considering claims 5-7, 15-17, 22 and 23, Dan et al., disclose a system wherein assigning an individual identifier includes assigning a code portion that identifies a particular client as belonging to a subset of clients within the set of clients (col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6).

In considering claims 8, and 18, Dan et al., disclose a system including sending a message to a client in a unidirectional Messaging system (a pushing message to the client)(col. 1, lines 50-67 and col. 2, line 61 to col. 3, line 6).

10. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al., U.S. Patent No. 6,330,611, in view of Dan et al., U. S. Patent No. 5,561,637.

As per claim 24, 27 and 30, Itoh et al., disclose substantial features of the claimed invention including:

receiving on a first client a message (command) from a server addressed to said client (col. 7, lines 26 to col. 8, line 14); and

controlling management of data storage by said client based on information included in said message (see fig. 2, col. 4, line 66 to col. 5, line 27 and col. 7, lines 26 to col. 8, line 14).

Ito et al., is silent regarding:

defining a messaging service type and messaging identification to dynamically control storage for groups of clients or individual client (i.e., enabling group of clients or individual clients to a predetermined broadcast criteria or message type, as interpreted by the examiner).

Dan et al., in an analogous art disclose a multicast network for enabling individual clients or group of clients to a predetermined broadcast criteria (i.e., particular message type)(see col. 1, lines 50-67). Furthermore, Dan et al., teaches a server determines if predetermined broadcast criteria has been satisfied to verify if clients can communicate to certain message types. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Ito et al., to incorporate multicast messaging mechanism as taught by Dan et al., such that clients may configured dynamically to communicate particular message type thus enabling to manage plurality of clients in multicast group more efficiently.

In considering claims 25, 26, 28 and 29, Itoh et al., discloses a system including receiving a message including an identifier which specifies a task to perform on a storage device (see col. 7, lines 26 to col. 8, line 14).

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

CONCLUSION

12. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703) 308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

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Box AF

Commissioner of Patents and Trademarks


Washington, DC 20231

or faxed to:

(703) (872-9306)

2/5/2004

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